

rescind in the event of the purchaser making any requisition the vendor should be advised not to comply with, and stipulating that the return of the deposit should be accepted by the purchaser in discharge of all claims for costs or otherwise. The purchaser applied to rescind on the ground of misrepresentation and the Court granted the application, and the only point in dispute was as to whether the purchaser was entitled to any, and, if any, what costs. The vendor contended he was only entitled to get back his deposit without costs; but Kekewich, J., held that the costs were in the discretion of the Court and that the purchaser should get all costs of investigating the title and of the application to rescind together with the costs occasioned by his bidding and becoming the purchaser.

TRUSTEE—APPOINTMENT OF NEW TRUSTEE—STATUTORY POWER—
DONEE APPOINTING HIMSELF TRUSTEE—TRUSTEE ACT, 1893
(56 & 57 VICT. c. 53), s. 10—(R.S.O. c. 129, s. 4).

In re Sampson, Sampson v. Sampson (1906) 1 Ch. 435. An application was made to Kekewich, J., to determine whether a new trustee, purported to be appointed under the provisions of the Trustee Act, 1893, s. 10 (R.S.O. c. 129, s. 4), had been duly appointed, the donee of the power, having appointed himself as the new trustee. The learned judge held that the Act did not authorize the appointment and that the words "any other person" in the Act excluded the donee.

ADMINISTRATION — MARSHALLING ASSETS — DEBTS CHARGED ON
LANDS—LEGACIES—INSUFFICIENCY OF PERSONAL ESTATE.

In re Kempster, Kempster v. Kempster (1906) 1 Ch. 446. Kekewich, J., decided that although the Land Transfer Act of 1897 has put land of a deceased person on an equality with his personalty for payment of debts, and it is, therefore, no longer necessary that debts should be charged on the realty; yet where land is devised subject to the payment of debts and the personalty is exhausted in payment of debts, pecuniary legatees and specific devisees are still entitled to have the assets marshalled.

CLUB RULES—POWER TO ALTER RULES—FUNDAMENTAL OBJECTS
OF CLUB—GENERAL MEETING—RESOLUTION—VALIDITY.

Thellusson v. Valentia (1906) 1 Ch. 480 was an action brought by a member of a recreation club to have a rule, passed at a general meeting, abolishing pigeon shooting, declared ultra vires. The plaintiff contended that as one of the rules provided